

JOHN TEIGEN)	
Claimant)	
VS.)	
)	
TOPEKA RESCUE MISSION)	Docket No. 251,237
Respondent)	
AND)	
)	
BROTHERHOOD MUTUAL INS. COMPANY)	
Insurance Carrier)	

Claimant checked people in at the Topeka Rescue Mission. His shift began at 3 p.m. but the evidence indicates claimant reported early from time to time and respondent allowed this. He was paid a set amount each week and was not on the clock. On the date of his injury, October 2, 1999, claimant reported at 2:30 and began performing preliminary duties. Respondent had a general policy regarding appropriate dress. On this day, claimant was wearing a sweater that pulled up and exposed his stomach. Claimant's supervisor directed claimant to go to the voucher store and obtain a t-shirt to put under the sweater. The supervisor signed a voucher to allow claimant to get the t-shirt. While at the voucher store, claimant fell and injured his right shoulder.

On appeal, respondent contends claimant's injury did not arise out of and in the course of his employment. The Board disagrees. An injury arises out of employment if there is causal connection between the injury and the nature, conditions, and incidents of employment. *Kindel v. Ferco Rental, Inc.*, 258 Kan. 272, 899 P.2d 1058 (1995). Although claimant started earlier than scheduled, he had started work. He was responding to the direction of his supervisor at the time of the injury.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge Bryce D. Benedict on May 17, 2000, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of July 2000.

BOARD MEMBER

c: Paul D. Post, Topeka, KS
Matthew S. Crowley, Topeka, KS
Bryce D. Benedict, Administrative Law Judge
Philip S. Harness, Director